

BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

IGOR VERN,

Appellant,

v.

DEPARTMENT OF ECOLOGY,

Respondent.

Case No. ALLO-04-0006

ORDER OF THE BOARD FOLLOWING  
HEARING ON EXCEPTIONS TO THE  
DETERMINATION OF THE DIRECTOR

**Hearing on Exceptions.** Pursuant to RCW 41.64.060 and WAC 358-01-040, this appeal came on for hearing before the Personnel Appeals Board, BUSSE NUTLEY, Member, on Appellant's exceptions to the Director's determination dated March 5, 2004. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington, on September 17, 2004. GERALD L. MORGEN, Vice Chair, reviewed the record and participated in the decision in this matter.

**Appearances.** Appellant Igor Vern was present and appeared *pro se*. Respondent Department of Ecology was represented by Joe Stohr, Program Manager.

**Background.** Appellant submitted a Classification Questionnaire (CQ) signed December 22, 2002, requesting that his position (#0717) as Hydrogeologist 3 be reallocated to the class of Hydrogeologist 4. By letter dated March 20, 2003, Pat Schultz, Human Resources Consultant, concluded that Appellant's position was properly allocated to the Hydrogeologist 3 classification. Ms. Schultz also concluded that Appellant's assigned duties did not meet the definition of the Hydrogeologist 4 because he had not been designated in writing as such by his program manager

1 and because he did not meet at least four of the seven elements of the distinguishing characteristics.  
2 On April 11, 2003, Appellant appealed this determination to the director of the Department of  
3 Personnel (DOP). On June 4, 2003, the DOP conducted an allocation review and by letter dated  
4 March 5, 2004, informed Appellant his position was properly allocated to the Hydrogeologist 3  
5 classification.

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7 On April 5, 2004, Appellant filed exceptions with the Personnel Appeals Board.  
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9 **Summary of Appellant's Argument.** Appellant argues that his duties have increased significantly  
10 over the recent years and now go beyond the scope of his current classification as a Hydrogeologist  
11 3. Appellant asserts the agency failed to report to the Department of Personnel critical changes in  
12 his technical duties and responsibilities and management has failed to sign the CQ he prepared and  
13 signed. Appellant asserts that he meets six of the seven criteria listed under the distinguishing  
14 characteristics of the Hydrogeologist 4 class. Appellant contends he serves as a senior  
15 hydrogeologist planning, developing, conducting and/or overseeing independent hydrogeologist  
16 project, that he received written delegation in 1998 by the director to issue field citations, that he  
17 provides technical direction to delegated local governmental entities, and is the only delegated  
18 individual in the department specializing in well construction enforcement.  
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20 **Summary of Respondent's Argument.** Respondent argues Appellant's duties do not meet either  
21 the definition or distinguishing characteristics of the Hydrogeologist 4 classification. Respondent  
22 asserts that Appellant has the responsibility:

- 23 • to implement laws and regulations, not to develop policy;
- 24 • provide technical assistant related to well construction activities, to individuals  
such as well drillers, but does not direct two or more agency professional staff;
- 25 • has delegated authority to issues field citations, but not to manage projects that  
26 have been delegated in writing by a program manager.

Respondent further disputes that Appellant been designated as a technical expert in a hydrogeologic specialty for the Water Resources Program. Therefore, Respondent contends Appellant's position is properly allocated to the Hydrogeologist 3 class.

**Relevant Classifications.** Hydrogeologist 3, class code 63600; Hydrogeologist 4, class code 63610.

**Decision of the Board.** The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. Also, a position review is not a comparison of work performed by employees in similar positions. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class which best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The primary issue here is whether the duties of Appellant's position warrant reallocation to the Hydrogeologist 4 class. Before a position can be allocated to the Hydrogeologist 4 classification, the duties of the position must meet both the definition and distinguishing characteristics for the class:

Definition: In the Department of Ecology, and designated in writing by a program manager equivalent or higher, serves as senior hydrogeologist planning, developing, conducting, directing and/or overseeing independent hydrogeologic projects or investigations within a region or at headquarters and meets four (4) of the distinguishing characteristics for the class.

Distinguishing characteristics:

1. Has lead responsibility within a program for the development of statutes, new regulations, policy or technical guidance relating to hydrogeologic issues.
2. Provides direction to two or more agency professional staff.

3. Manages projects which have been delegated in writing by a Program manager, equivalent or higher.
4. Develops, prepares, presents expert testimony as designated in writing by and described on a Classification Questionnaire approved by a Program Manager.
5. Reports status and/or results of hydrology issues and analyses to a Program Manager, Regional Director, equivalent, or higher.
6. Performs technical peer review of hydrogeologic activities/reports for cross-program/agency group and/or cross-section as designated in writing by and described on a Classification Questionnaire approved by a Program Manager.
7. Services as a technical expert for a program in a hydrogeologic specialty as designated in writing by and described on a Classification Questionnaire approved by a Program Manager.

Appellant submitted a CQ dated December 22, 2002, to the department's human resources department asking for his position to be reallocated from the class of Hydrogeologist 3 to a Hydrogeologist 4. This CQ is not signed by either his immediate supervisor or by the department head. However, on January 28, 2003, Mike Harris, provided a response to the CQ, disagreeing with the description of the duties described by Appellant.

After reviewing the duties described by Appellant, Mr. Harris' response and other documents made available during the DOP allocation review, we conclude that Appellant has failed to meet his burden of proving that the duties of his position are at the Hydrogeologist 4 classification. Appellant has provided no evidence to support he serves as a senior hydrogeologist and has been designated as such, in writing, by a program manager equivalent or higher. Furthermore, Appellant has provided no evidence to support that he meets at least four of the seven distinguishing characteristics of the Hydrogeologist 4 class.

The appeal on exceptions by Appellant should be denied and the Director's determination dated March 5, 2004, should be affirmed and adopted.

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**ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellant is denied and the Director's determination dated March 5, 2004 is affirmed and adopted.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

WASHINGTON STATE PERSONNEL APPEALS BOARD

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Gerald L. Morgen, Vice Chair

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Busse Nutley, Member